

Message Text

LIMITED OFFICIAL USE

PAGE 01 QUEBEC 00017 150049Z
ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-01
INR-07 NSAE-00 OC-06 USIA-06 COME-00 BIB-01 L-03 PA-01
PRS-01 /046 W
-----150052Z 050417 /71

P 142235Z JAN 77
FM AMCONSUL QUEBEC
TO SECSTATE WASHDC PRIORITY 860
INFO AMCONSUL MONTREAL PRIORITY
AMEMBASSY OTTAWA

LIMITED OFFICIAL USE QUEBEC 0017

E.O. 11652: N/A
TAGS: PINT, ETEL, CA,
SUBJECT: QUEBEC APPEALS COURT REJECTS PROVINCIAL CONTROL OF CABLE TV

1. QUEBEC COURT OF APPEAL RULED THURSDAY THAT QUEBEC HAS NO JURISDICTION OVER CABLE TELEVISION. THE COURT ALSO FOUND THAT QUEBEC HAD ILLEGALLY ISSUED LICENSES TO AN OPERATOR OF A CABLE NETWORK IN RIMOUSKI AND MONT-JOLI. DECISION DECLARES ULTRA VIRES "BEYOND THE CONSTITUTIONAL POWERS OF THE PROVINCE " A 1974 PERMIT TO OPERATE A CABLE TELEVISION SERVICE AWARDED BY QUEBEC'S PUBLIC SERVICE BOARD.

2. COURT ADDED THAT CANADA'S BASIC CONSTITUTIONAL LEGISLATION, THE BRITISH NORTH AMERICA ACT OF 1867, GIVES FEDERAL GOVERNMENT EXCLUSIVE JURISDICTION OVER CABLE TELEVISION BY EXCLUDING PROVINCIAL CONTROL OVER TRANSPORTATION AND COMMUNICATION EXTENDING BEYOND THE LIMITS OF THE PROVINCE. THAT PARAGRAPH OF BNA ACT COVERS CABLE TELEVISION, IN COURT'S OPINION SINCE IT TRANSMITS BROADCAST SIGNALS ORIGINATING OUTSIDE THE PROVINCE. HE REJECTED QUEBEC'S ARGUMENT THAT CABLE OPERATIONS SHOULD BE CONSIDERED

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 QUEBEC 00017 150049Z

WITHIN PROVINCIAL JURISDICTION BECAUSE
THEY ORIGINATE SOME OF THEIR OWN PROGRAMING.

3. COMMENT: CONFLICTING FEDERAL AND PROVINCIAL PERMITS FOR RIMOUSKI AND MONT JOLI CABLE OPERATIONS LED TO 1975 TRAGICOMEDY SCENE IN WHICH QUEBEC PROVINCIAL POLICE FORCE GUARDED EQUIPMENT AGAINST

SEIZURE BY RCMP. THIS IMPORTANT DECISION CONFIRMS THAT CABLE
TV IS CLEARLY IN OTTAWA'S DOMAIN. DECISION IS LIKELY
TO BE USED BY PQ GOVERNMENT AS FURTHER EVIDENCE OF
ALLEGED CULTURAL DOMINATION OF THE PROVINCE BY
EXISTING FEDERAL SYSTEM. FACT THAT QUEBEC ACTION'S FOUND
UNCONSTITUTIONAL WILL NOT QUIET GOQ.
THEIR LONG RANGE GOAL IS, OF COURSE,
TO CHANGE PRESENT CONSTITUTIONAL ARRANGEMENT.
MCNAMARA

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT DECISIONS, TELEVISION BROADCASTING, PROGRAMS (PROJECTS)
Control Number: n/a
Copy: SINGLE
Sent Date: 14-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977QUEBEC00017
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770015-0561
Format: TEL
From: QUEBEC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770151/aaaabscv.tel
Line Count: 71
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 793c71d9-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3596084
Secure: OPEN
Status: NATIVE
Subject: QUEBEC APPEALS COURT REJECTS PROVINCIAL CONTROL OF CABLE TV
TAGS: PINT, ETEL, CA
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/793c71d9-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009